

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHNTAE REMONTZ LIVINGSTON,)	
Plaintiff,)	Civil Action No. 7:20cv00010
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
M. ROBERTS, <u>et al.</u>,)	By: Michael F. Urbanski
Defendants.)	Chief United States District Judge

Plaintiff Johntae Remontz Livingston, a former inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. After filing this action, Livingston advised the court that he had been released from incarceration. See ECF No. 9. By order entered January 31, 2020, the court advised Livingston that because he was no longer an inmate, he would not be allowed to pay the filing fee in installments under the Prison Litigation Reform Act. See ECF No. 10. The court ordered Livingston to pay the balance of the filing fee or otherwise respond to the order within ten days. Id. The court warned Livingston that failure to pay the filing fee or otherwise respond to the order would result in immediate dismissal of the action without prejudice. Id. Livingston did not respond to the court's order. Accordingly, the court will dismiss this action without prejudice for failure to comply. The court notes that this dismissal is without prejudice to Livingston's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

ENTER: This 12th day of February, 2020.

/s/ Michael F. Urbanski

Chief United States District Judge